

Court of Appeals, State of Michigan

ORDER

Estate of Darryl Ile v Foremost Insurance Company

Docket No. 295685

LC No. 09-010741-CK

Mark J. Cavanagh
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

On its own motion, the Court orders this matter REMANDED for the trial court's decision whether our Supreme Court's holding in *Rory v Continental Ins Co*, 473 Mich 457; 703 NW2d 23 (2005) requires enforcement of the insurance contract as written. Defendant-appellant shall initiate the proceedings on remand by motion and brief in support filed within 14 days after the Clerk's certification of this order, plaintiff-appellee shall file a brief in response, and the trial court shall hear and decide the question within 35 days after the Clerk's certification of this order.

The trial court is directed to make findings of fact and a decision by written opinion or decision on the record without reversing or amending the order on appeal.

Defendant-appellant shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

The Court retains jurisdiction and the proceedings in this Court shall resume when the trial court decides the question on remand.

The parties may file supplemental briefs in this Court that address the question on remand within 21 days after the entry of the trial court's opinion or within 21 days after the transcript of the proceedings on remand is filed with the trial court clerk, whichever is later.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

May 10, 2011

Date


Chief Clerk